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15 CITY OF RICHMOND, OFFICER
CANTRELL, OFFICER R. THOMAS,
OFFICER POMEROY, OFFICER MOODY,
16 AND OFFICER FUNK

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 LAZARIS ITALO FULLER,

No.: C-03-5616 MMC

20 Plaintiff,

**STIPULATION AND ORDER
CONTINUING DATE EXPERT
DISCOVERY CUT OFF AND
DISPOSITIVE MOTION DEADLINE**

21 vs.

22 CITY OF RICHMOND, OFFICER CANTRELL,
OFFICER R. THOMAS, OFFICER POMEROY,
OFFICER MOODY, and OFFICER FUNK,

23
24 Defendants.

Honorable Maxine Chesney

1 Plaintiff Lazaris Italo Fuller (“Fuller”), and defendants City of Richmond, Officer Cantrell,
2 Officer R. Thomas, Officer Pomeroy, Officer Moody and Officer Funk (“Defendants”), through their
3 respective attorneys of record in this action agree and stipulate as follows:

4 WHEREAS, the expert discovery cut off in the above captioned case is currently October 27,
5 2006; and

6 WHEREAS, the deadline for the parties to file dispositive motions is currently November 9,
7 2006; and

8 WHEREAS, lead trial counsel for plaintiff, Bernard Casey, will be in Washington D.C. on
9 business from October 9, 2006 through October 16, 2006; and

10 WHEREAS, lead trial counsel for plaintiff, Bernard Casey, will be in Guantanamo Bay with
11 clients through October 21, 2006, and will not return to the office until October 23, 2006; and

12 WHEREAS, trial counsel for plaintiff, Kirsten Daru, will be in New Jersey from October 23,
13 2006 through October 28, 2006 in an NASD Arbitration;

14 WHEREAS, lead trial counsel for Defendants, James V. Fitzgerald, III, will be on vacation
15 out of the continental U.S. from November 6th through 10th; and

16 WHEREAS, plaintiff has disclosed three experts in this matter, and defendants have also
17 disclosed three experts in this matter; and

18 WHEREAS, given the foregoing, plaintiff cannot adequately and reasonably complete expert
19 discovery with respect to the six experts in this case under the current timeframe; and

20 WHEREAS, the parties have agreed to a brief extension of both the expert discovery cutoff
21 date as well as the parties’ deadline to file dispositive motions; and

22 WHEREAS, the extension agreed upon by the parties will not disrupt or otherwise affect the
23 trial date in this case. Indeed, under the proposed schedule, trial in this matter can proceed as
24 planned on February 12, 2006.

25 THEREFORE, the parties stipulate, through their counsel of record, to the following:

26 (1) The expert discovery cut off currently scheduled for October 27, 2006 shall be
27 continued until November 22, 2006; and

1 (2) The parties' deadline for filing dispositive motions shall be continued from
2 November 9, 2006 to December 6, 2006.

3 IT IS SO STIPULATED.

4 DATED: October 11, 2006

5 REED SMITH LLP

6

7 By /s/
8 Bernard J. Casey, Esq.
Kirsten J. Daru, Esq.
9 Attorneys for Plaintiff
LAZARIS ITALO FULLER

10 DATED: October 11, 2006

11 MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,
12 PFALZER & BORGES LLP

13 By: /s/

14 James V. Fitzgerald, III / Noah G. Blechman
15 Attorneys for Defendants
CITY OF RICHMOND, OFFICER CANTRELL,
OFFICER R. THOMAS, OFFICER POMEROY,
OFFICER MOODY, AND OFFICER FUNK

16 ORDER

17 Pursuant to the Stipulation of the parties hereto, and good cause appearing, the Court hereby
18 Orders as follows:

19 IT IS HEREBY ORDERED that the expert discovery cut off currently scheduled for October
20 27, 2006 shall be continued until November 22, 2006; and

21 IT IS FURTHER ORDERED that the parties' deadline for filing dispositive motions shall be
22 continued from November 9, 2006 to December 1, 2006, not December 6, 2006 as requested.

23 IT IS SO ORDERED.

24 Dated: October 17, 2006

25 
26 MAXINE CHESNEY
27 United States District Court Judge